

M. PATRICIA THAYER (SBN 90818)
 pthayer@sidley.com
 AARON R. BLEHARSKI (SBN 240703)
 ableharski@sidley.com
 SIDLEY AUSTIN LLP
 555 California Street
 San Francisco, California 94104
 Telephone: (415) 772-1200
 Facsimile: (415) 772-7400

SANDRA S. FUJIIYAMA (SBN 198125)
 sfujiyama@sidley.com
 SAMUEL N. TIU (SBN 216291)
 stiu@sidley.com
 TASHICA T. WILLIAMS (SBN 256449)
 ttwilliams@sidley.com
 SIDLEY AUSTIN LLP
 555 West Fifth Street, Suite 4000
 Los Angeles, California 90013
 Telephone: (213) 896-6000
 Facsimile: (213) 896-6600

Attorneys for Plaintiff
 GENENTECH, INC.

ROBERT A. VAN NEST (SBN 84065)
 rvannest@kvn.com
 ASHOK RAMANI (SBN 200020)
 aramani@kvn.com
 NIKKI K. VO (SBN 239543)
 nvo@kvn.com
 SARA B. FAULKNER (SBN 263857)
 sfaulkner@kvn.com
 KEKER & VAN NEST LLP
 710 Sansome Street
 San Francisco, CA 94111-1704
 Telephone: (415) 391-5400
 Facsimile: (415) 397-7188

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

GENENTECH, INC.,

 Plaintiff,

 vs.

 THE TRUSTEES OF THE UNIVERSITY OF
 PENNSYLVANIA, a Pennsylvania non-profit
 corporation,

 Defendant.

) Case No: 5:10-CV-2037-LHK (PSG)
)
) **FOURTH JOINT STIPULATION AND**
) **[PROPOSED] ORDER TO EXTEND THE**
) **DEADLINE FOR GENENTECH TO FILE**
) **OBJECTIONS TO THE COURT'S**
) **NOVEMBER 22 ORDER**
)
) **Hearing Date: TBD**
) **Time: TBD**
) **Judge: Hon. Lucy H. Koh**
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1 WHEREAS on December 28, 2010, plaintiff Genentech, Inc. ("Genentech") and defendant
2 the Trustees of the University of Pennsylvania ("the University") filed a Third Joint Stipulation and
3 Proposed Order to Extend the Deadline for Genentech to File Objections to the Court's November
4 22 Order (Dkt. No. 69) to January 11, 2011; and

5 WHEREAS the parties wanted the deadline extension to discuss whether there is a way to
6 limit Genentech's production of regulatory materials, other than the BLA Submissions (as that term
7 is used in the Court's November 22 Order), to avoid the production of irrelevant materials; and

8 WHEREAS, the parties are continuing to address the proper scope for production of the
9 regulatory materials and believe that an additional extension would benefit their discussion; and

10 WHEREAS, the parties are continuing to arrange an appropriate manner in which to proceed
11 with the production; and

12 WHEREAS, if the parties are unable to reach agreement, Genentech may wish to file
13 objections to the Court's Order;

14 THE PARTIES THEREFORE AGREE as follows:

- 15 1. The deadline for Genentech to object with respect to the following sentence in the
16 Court's November 22, 2010 Order, now set for January 11, 2011, is extended to
17 February 1, 2011:

18 In addition, to the extent there is responsive electronic data other than
19 the BLA Submissions in Defendant's possession, custody or control
20 that is responsive to Document Request No. 36, Plaintiff shall either
21 produce the unredacted data to Defendant by November 30, 2010, or
22 else file a declaration by that date showing why it cannot do so and
23 setting forth the earliest possible date that it will be able to do so.

- 24 2. No other provision of the Court's November 22, 2010 Order is changed.
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1 SO STIPULATED:

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3 Respectfully submitted,

4 Dated: January 11, 2011

SIDLEY AUSTIN LLP

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7 By: /s/
M. PATRICIA THAYER

8 Attorneys for Plaintiff GENENTECH, INC.

9
10 Dated: January 11, 2011

IRELL & MANELLA LLP

11
12 By: /s/
13 GARY N. FRISCHLING¹

14 Attorneys for Defendants THE TRUSTEES OF
15 THE UNIVERSITY OF PENNSYLVANIA.

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27 ¹ Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the
28 document has been obtained from Gary N. Frischling.

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The deadline for Genentech to object with respect to the following sentence in the Court's November 22, 2010 Order, now set for January 11, 2011, is extended to February 1, 2011:

In addition, to the extent there is responsive electronic data other than the BLA Submissions in Defendant's possession, custody or control that is responsive to Document Request No. 36, Plaintiff shall either produce the unredacted data to Defendant by November 30, 2010, or else file a declaration by that date showing why it cannot do so and setting forth the earliest possible date that it will be able to do so.

2. No other provision of the Court's November 22, 2010 Order is changed.

SO ORDERED.

Dated: _____ January 12, 2011



LUCY H. KOH
United States District Judge